



Docket No.: 02136/000K111-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Pere Ristol Debart *et al.*

Application No.: 10/052,324

Group Art Unit: 1644

Filing Date: January 17, 2002

Examiner: David A. Saunders

For: PROCESS FOR THE PRODUCTION OF
VIRUS-INACTIVATED HUMAN
GAMMAGLOBULIN G

RESPONSE TO RESTRICTION REQUIREMENT
UNDER 37 C.F.R. 1.142 AND 1.143

Mail Stop Non-Fee Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Official Action mailed for this application on September 10, 2003 and in accordance with Rules 142 and 143 of the Rules of practice, please enter and consider the following remarks. It is believed that no fees are due for this response. However, should the U.S. Patent and Trademark Office determine that any fee is due or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge any fee and/or credit any refund to our Deposit Account No. 04-0100.

REMARKS

Claims 1-48 are pending in this application. The Examiner has required, in the Office Action, a restriction of the pending claims to one of the following groups:

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Group I: Claims 1-47, directed to methods for producing virus inactivated IgG fraction; and

Group II: Claim 48, directed to virus inactivated IgG fractions that are produced according to the method of claim Group I.

In order to be fully responsive, Applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (*i.e.*, claims 1-47) directed to methods for producing virus inactivated IgG. However, Applicants respectfully traverse the Requirement for Restriction and reserve the right to petition therefrom under 37 C.F.R. 1.144. In particular, and contrary to what is indicated in the Official Action, the pending claims of this entire application can be examined without any undue burden on the Examiner or the Patent and Trademark Office.

Under Patent Office examining procedures, “if the search and examination of an entire application can be made without serious burden, the Examiner *must* examine it on the merits, even though it includes claims directed to distinct or individual inventions.” See, M.P.E.P. 803 (emphasis added). The groups of claims designated in this Official Action do not define methods or compositions which are sufficiently distinct to warrant separate examination and searches. For these reasons, Applicants respectfully request that the Requirement for Restriction be withdrawn, and that all of the pending claims be examined together in this application.

Respectfully submitted,

Dated: October 6, 2003

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